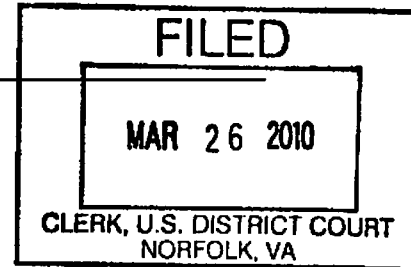


**UNITED STATES DISTRICT COURT**  
**Eastern District of Virginia**  
**Newport News Division**



UNITED STATES OF AMERICA

v.

Case Number: 4:08CR00147-014

USM Number: 58524-083

ERIC SMITH

a/k/a "Capone",

a/k/a "Pone"

Defendant.

Defendant's Attorney: Harry Harmon

**JUDGMENT IN A CRIMINAL CASE**

The defendant was found guilty by a jury on counts 1, 4, 5, and 6 of the second superseding indictment after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of the following counts involving the indicated offenses.

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Offense Class</u>	<u>Offense Ended</u>	<u>Count</u>
T.21, USC, Sections 846 and 841(a)(1), (b)(1)(A)(ii), and (b)(1)(C)	Conspiracy to possess with intent to distribute and to distribute cocaine and marijuana	Felony	August 7, 2008	1
T.21, USC, Section 843(b)	Use of a communication facility in facilitating the commission of a crime	Felony	February 12, 2008	4, 5, 6

The defendant was found not guilty by a jury on counts 2 and 3 of the second superseding indictment, and is discharged as to such counts.

As pronounced on March 26, 2010, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

Signed this 26 day of March, 2010.

/s/   
 Jerome B. Friedman  
 United States District Judge

Case Number: 4:08CR00147-014  
Defendant's Name: ERIC SMITH

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of LIFE WITHOUT RELEASE . This term consists of a term of life without release on count 1, a term of forty-eight (48) months on count 4, a term of forty-eight (48) months on count 5, and a term of forty-eight (48) months on count 6; counts 4,5,6 shall be served concurrently to count 1.

The defendant is remanded to the custody of the United States Marshal.

## RETURN

I have executed this judgment as follows: \_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By

\_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

Case Number: 4:08CR00147-014  
Defendant's Name: ERIC SMITH

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of TEN (10) YEARS. This term consists of a term of ten (10) years on count 1, a term of one (1) year on count 4, a term of one (1) year on count 5, and a term of one (1) year on count 6, all to run concurrently.

The Probation Office shall provide the defendant with a copy of the standard conditions and any special conditions of supervised release.

The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within fifteen (15) days of release on supervised release and at least two (2) periodic drug tests thereafter, as directed by the probation officer.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance.

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

### **STANDARD CONDITIONS OF SUPERVISION**

The defendant shall comply with the standard conditions that have been adopted by this court set forth below:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer for a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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**Case Number:** 4:08CR00147-014

**Defendant's Name:** ERIC SMITH

### **SPECIAL CONDITIONS OF SUPERVISION**

While on supervised release, pursuant to this Judgment, the defendant shall also comply with the following additional special conditions:

- 1) The defendant shall participate in a program approved by the United States Probation Office for substance abuse, which program may include residential treatment and testing to determine whether the defendant has reverted to the use of drugs or alcohol, with partial costs to be paid by the defendant, all as directed by the probation officer. The defendant shall waive all rights of confidentiality regarding substance abuse treatment in order to allow the release of information to the United States Probation Office and authorize communication between the probation officer and the treatment provider.

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**Case Number:** 4:08CR00147-014  
**Defendant's Name:** ERIC SMITH

### **CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

<u>Count</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
1	\$100.00	\$0.00	\$0.00
4	\$100.00	\$0.00	\$0.00
5	\$100.00	\$0.00	\$0.00
6	\$100.00	\$0.00	\$0.00
<b>TOTALS:</b>	<b>\$400.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

### **FINES**

No fines have been imposed in this case.

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**Defendant's Name:** ERIC SMITH  
**Case Number:** 4:08CR00147-014

### **SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

The special assessment shall be due in full immediately. If not paid immediately, the special assessment may be subject to penalties for delinquency and default.

Since this judgment imposes a period of imprisonment, payment of the special assessment shall be due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk, United States District Court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Payments shall be applied in the following order: (1) assessment (2) restitution principal (3) restitution interest (4) fine principal (5) fine interest (6) community restitution (7) penalties and (8) costs, including cost of prosecution and court costs.

The defendant shall notify the United States Attorney for this district within thirty (30) days of any change of name, residence, or mailing address until the special assessment imposed by this judgment is fully paid.